

## **FINAL STATEMENT OF REASONS:**

The Initial Statement of Reasons is incorporated by reference.

The California Department of Corrections and Rehabilitation (CDCR or the Department) proposes to amend Sections 3000, 3075.1, 3076.4, 3269, and 3357 of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1. This rulemaking action will provide regulatory authority to remove Form Numbers 127 and 1882 from Title 15.

## **UPDATES TO THE INITIAL STATEMENT OF REASONS**

The amendments to this section are simply intended to reflect the requirements previously in the form, not change the substantive requirements, but to ensure all regulatory content of the paper form is included in section 3269 of the regulations. This information in SOMS is necessary to detail a number of the various factors that are required to be evaluated by trained staff responsible for screening an inmate for an appropriate housing assignment.

The last sentence of the paragraph has been removed because it is regulatory content of the paper form and included in the following necessity statement.

- Inmate name, CDC number, and Personal Identification number.
  - The inmates name is necessary to identify and maintain a file on each inmate.
  - The CDC number is necessary as each inmate is assigned a CDC number for each offense and an inmate may have several CDC numbers. This number shown will be the current offense.
  - The Personal Identification number is necessary as an inmate is only assigned one personal identification number in the SOMS system until their demise. This serves to facilitate quicker access to archives.
- Personal factors such as, race, date of birth, age, weight, height, birth place, and whether the inmate is a foreign national. This information is necessary for penalogical tracking purposes and for housing consideration. Every effort is made to house inmates together that have similar or compatible personal factors.
- Receiving Institution. This information is necessary to provide a record of where an inmate is housed over the inmate's tenure with CDCR.
- County of commitment is necessary for crime tracking purposes.
- Out to court return and escape history:
  - Out to court return information is necessary as it may reflect whether the inmate is about to receive a new commitment term.
  - Escape history is necessary because an inmate with an escape history will require much more secure housing.
- Previous housing status is necessary to evaluate whether an inmate is conforming to the Departments integrated housing policy.

- Involvement in a race based incident(s). This information is necessary to ensure inmates who have had racially based incidents are not housed with members of the race with which they had problems.
- Documentation that the inmate has been the victim of a sexual assault or was previously single celled is necessary as the Department has a policy of expecting all inmates to be able to be double celled as well as to adhere to the Departments Integrated Housing Policy. If documentation exists that an inmate was a victim of sexual assault or was single celled for another reason, special consideration must be give to the inmate's future housing to ensure the safety of the inmate, as well as other inmates.

The Notice of Proposed Regulations was published on December 27, 2013. The Notice of Change to Regulations was mailed the same day in addition to being posted on the CDCR Internet and Intranet websites. The public hearing was held on February 19, 2014. No one provided oral comment at the public hearing. During the 45-day comment period, two written comments were received. These comments and the Department's responses are included below under the heading, "*Summaries and Responses to Written Public Comments.*"

### **LOCAL MANDATE**

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500 – 17630.

### **DETERMINATION**

The Department has determined that no reasonable alternative considered would be more effective in carrying out the purpose for which this regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department has determined these proposed changes are the only regulations identified by the Department to implement the SOMS system and no testimony or practical alternative has been offered that would alter the Department's decision.

### **INCORPORATED BY REFERENCE**

No documents were incorporated by reference into this rulemaking action.

### **PUBLIC HEARING COMMENTS**

#### **Public hearing was held on February 19, 2014, at 9:00 a.m.**

No one commented at the public hearing.

### **SUMMARIES AND RESPONSES TO WRITTEN PUBLIC COMMENTS**

#### **Commenter #1**

**Comment 1:** Commenter made edits to page 2 of Form 1882 and states the edits should be included when the content of the form is imported into SOMS because many CDCR forms have typos and punctuation errors. Commenter asks why not also “rehabilitate” the accuracy of CDCR forms.

**Accommodation: None**

**Response 1:** The edits made to Form 1882 are clerical, non-substantive, and have no regulatory impact on the proposed regulations. The Department appreciates commenter’s suggestions and may take them into consideration. Also, be advised the Form 1882 will no longer be used in paper format. All regulatory content contained on the Form now appears on the respective SOMS screen.

## **Commenter #2**

**Comment 1:** Commenter quotes part of Section 3269 and states this rule is counterproductive because an inmate is housed in ASU based on the fact the inmate is a threat to staff and inmates. Commenter states that if the inmate is a threat, the inmate should not be placed in a cell with another inmate because the inmate’s safety is in jeopardy.

**Accommodation: None**

**Response 1:** Commenter’s comments are on text that is not being changed and is already in effect. Inmates may be housed in ASU for reasons other than being a threat to staff and inmates, such as being a relative or associate of a staff member at the institution where the inmate is currently housed before transfer or pending an investigation where the inmate is not suspected of misconduct.